



## United Kingdom

### Country Reports on Human Rights Practices - [2003](#)

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The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales, Scotland, and Northern Ireland. The judiciary is independent.

In Northern Ireland, the 1998 Good Friday Agreement established local government institutions, including a legislative assembly and a power-sharing executive. In October 2002, the Northern Ireland Assembly and Executive were suspended, and the Government temporarily re-instituted direct rule. Elections were held on November 26, and the Government began to work with local political parties and the Government of Ireland to reestablish a devolved government.

The 1998 Scotland Act created a Scottish Parliament with responsibility for justice, policing, prisons, health, education, the environment, local transportation, and economic development in Scotland. The Scottish Parliament met for the first time on July 1, 1999. Following elections on May 1, a new parliament and government were seated.

The Home Office is responsible for internal affairs in England and Wales, including the protection and security of the public. The Ministers of the Scottish Executive, who answer to the Scottish Parliament, have policy responsibility for law and order in Scotland. In Northern Ireland, the Police Service of Northern Ireland (PSNI) has responsibility for maintaining law and order. Civilian authorities maintained effective control of the police forces. There were some complaints that individual members of the police committed human rights abuses.

A highly developed, diversified, market-based economy with extensive social welfare services provides most of the 58.8 million residents with a high standard of living.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. There were some complaints that individual members of the police and military occasionally abused detainees and other persons. Prison conditions remained a problem, including overcrowding and instances of mistreatment by prison officials. Asylum seekers, women, and ethnic minorities faced isolated instances of violence and discrimination, which the Government continued to combat. Trafficking of persons into the country remained a problem, which the Government took steps to address.

Although many paramilitary organizations in Northern Ireland continued to maintain a cease-fire in accordance with the Good Friday Agreement, killings and "punishment attacks" continued to occur in some areas under the influence of paramilitary groups. Some republican dissident groups committed acts of violence aimed at disrupting the peace process.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents.

In April, the Home Office introduced new guidelines for reporting deaths during or after police contact to distinguish whether police had "real or potential control" over the contact. According to the restated count in the Annual Report of the Police Complaints Authority (PCA), 30 persons died in police care or custody during the 12 months ending in March. At year's end, the PCA estimated that 22 persons died in police care or custody between April and December. The PCA reported that 11 of the deaths since 2002 were due to alcohol or drugs, 9 were from natural causes, 4 were suicides, and 6 from other causes. The Home Office and the Police Complaints Authority have initiated policies to eliminate such deaths, including: Safer custody facilities; improved training; closed circuit television (CCTV) monitoring; new technologies; and emphasis on better care, assessment, and monitoring of detainees. In July, the House of Commons Joint Committee on Human Rights began collecting evidence for an inquiry into deaths of individuals while in police custody.

After a coroner's inquest in September into the 1999 death of Roger Sylvester, a disciplinary hearing issued a finding of neglect of duty in the cases of a superintendent and two detective sergeants who had been responsible for investigating the death.

In April, a High Court ruling overturned the 2002 open verdict in the inquest into the 1999 police shooting of Harry Stanley. A new inquiry was scheduled for June 2004.

An independent inquiry into allegations of state involvement, collusion, or culpability in six selected Northern Ireland and Republic of Ireland killings was completed in October. At year's end, the Government was reviewing the results of the inquiry to decide whether further, separate judicial inquiries were required into the four killings committed in Northern Ireland. The Bloody Sunday Inquiry, which was examining the events of January 30, 1972, continued at year's end (see Section 1.e.).

The nongovernmental organization (NGO) British Irish Rights Watch (BIRW) reported that paramilitary groups were believed to be responsible for at least eight killings in Northern Ireland from January 1 through August 17.

In August, the Government announced that it would provide approximately \$1.4 million (800,000 pounds sterling) to families of victims of the 1998 Omagh bombing in order to help them pursue a civil action against five individuals suspected of being behind the bombing carried out by the Real Irish Republican Army (IRA).

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Commission for the Location of Victims' Remains, established jointly by the UK and Irish governments in 1999 to locate the remains of nine victims of IRA paramilitary violence from the 1970s, did not locate any bodies during the year.

In September, the remains of Jean McConville, who was killed and secretly buried by the Provisional IRA in 1972, were found in the Republic of Ireland. The Provisional IRA relayed new information to authorities regarding the alleged location of the remains of Columba McVeigh, a teenager missing since 1975. The unsuccessful search for McVeigh's remains was abandoned after 2 weeks.

On May 11, Armagh resident Gareth O'Connor disappeared on his way to a meeting with his bail officer in the Republic of Ireland. His family repeatedly claimed that members of the Provisional IRA abducted and killed O'Connor. PSNI Chief Constable Hugh Orde stated that it was "highly likely" that members of Provisional IRA were involved in O'Connor's disappearance; O'Connor's body has not been found.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were complaints that individual members of the police and army occasionally abused detainees. Human rights organizations maintained that such abuse, while not widespread, was a matter of concern (see Section 1.a.).

Detainees who claimed physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

There were 7,222 complaints filed against the police with the PCA from April 2002 through March. Of these, 3,547

were considered and finalized. In 26 percent of these cases, the PCA review resulted in some form of disciplinary or legal action.

The Independent Assessor of Military Complaints coordinates investigations into complaints of abuses committed by the Army in Northern Ireland. The Assessor's tenth annual report, released in July, noted that there were 534 complaints in 2002, a 21 percent reduction from the 676 complaints recorded in 2001. Twenty-five of the complaints recorded in 2002 were resolved through a formal reporting process, while the remaining complaints were resolved informally.

Human rights groups continued to call for an end to the use of plastic bullets, also known as baton rounds, which the police and military in Northern Ireland are permitted to use to control civil disturbances. The police have introduced safeguards on the use of plastic bullets, and the Police Ombudsman is required to review every instance when the police fire a plastic bullet. The Ombudsman's mandate does not extend to the army's use of plastic bullets. During the year, neither the police nor the army fired a plastic bullet. In each incident, investigators concluded that the discharge was justified and proportionate.

The Police Ombudsman for Northern Ireland, who has an independent staff, has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the PSNI Chief Constable, the Policing Board, or the Secretary of State for Northern Ireland. The Ombudsman is required to investigate cases involving death or serious injury where there may have been police involvement and may investigate all other cases of complaints against the police. The Ombudsman may recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The Ombudsman can direct the Chief Constable to take disciplinary action against police officers.

Between April 2002 and March, the Ombudsman received 4,325 allegations that led to 3,193 complaints. Forty percent of the complaints concerned oppressive behavior, down from 48 percent during the previous 12-month period. As of March 31, 2,267 complaint investigations were closed. The Ombudsman made 41 referrals for disciplinary action to the Chief Constable, and referred 185 cases to the Director of Public Prosecutions for possible legal action.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out killings or "punishment attacks" in areas under paramilitary influence. The attacks often were intended to maintain or extend the control of paramilitary groups in a region. The PNSI reported that, as of July 12, there were 289 "punishment attacks" in Northern Ireland. Of these, 152 were shootings and 137 were assaults (beatings). Human rights groups stated that available statistics underreported the casualties because many victims were too intimidated to report the attacks.

Prison conditions generally met international standards; however, instances of mistreatment by prison officials, overcrowding, and suicides occurred. According to the Home Office, as of July, there were 73,894 prisoners in England and Wales. In England and Wales, an independent Prisons and Probation Ombudsman, appointed by the Home Secretary, investigates complaints from prisoners and those subject to probation supervision. According to the Scottish Prison Service, as of October, there were 6,475 prisoners in Scotland. A 2002 report by the Prison Reform Trust warned that prisons in England and Wales suffered from overcrowding, resulting in prisoners being held in inhumane and degrading conditions. The Prison Service attempted to correct the problems of overcrowding and poor facilities by providing funding for 2,320 new places. The Scottish Prison Service also noted pressures caused by record numbers of prisoners during the year.

Several prison disturbances were reported during the year; all were relatively small and quickly resolved. Some of the disturbances resulted in minor injuries to prison officials. The largest disturbances took place at the Shotts Prison in Lanarkshire, Scotland in January and April. In January, five prison officers were injured in disturbances involving approximately 50 inmates at the Shotts Prison. The disturbance occurred in a special unit that provides accommodation for those having problems coping with mainstream prison life. In April, approximately 35 prisoners were involved in unrest after which one prison officer received hospital treatment for minor injuries.

Amnesty International (AI) again reported that authorities were not sufficiently protecting the human rights of incarcerated minors with respect to inter-prisoner violence, suicides, investigations into deaths in prison, bullying and racial abuse, segregation, and prison conditions. In July, the Commission on Racial Equality (CRE) reported that the Prison Service had failed to protect Zahid Mubarek sufficiently from a racially motivated attack while in prison in 2000. In October, the Appellate Committee of the House of Lords ordered the Home Office to conduct a public inquiry into Mubarek's death; the terms of the investigation were under discussion at year's end.

During the year, the European Court of Human Rights ruled that the Government had breached the European Convention on Human Rights relating to the 1994 death of Christopher Edwards who was beaten to death by his cellmate; both were diagnosed as mentally ill. The Court ordered the Government to compensate his family approximately \$71,200 (40,000 pounds sterling).

After an inspection of Dartmoor prison during the year, the Chief Inspector of Prisons observed "no incidents where staff referred to prisoners in...overtly disrespectful language" but reported that 21 percent of prisoners alleged verbal bullying by the staff.

Human rights groups have been particularly critical of Special Security Units (SSUs), which were used to hold prisoners deemed to pose an exceptional risk of escape. Human rights monitors have criticized small group isolation; the lack of adequate exercise, work, and educational opportunities; the lack of natural daylight; and the strict enforcement of noncontact visits through a glass barrier. At year's end, there was only one SSU in operation, holding a small number of prisoners. Prisoners held in the SSU were provided with all the facilities required under Prison Rules, although those facilities were delivered within the Unit and not in the main part of the prison. The SSU was subject to independent inspection by the Chief Inspector of Prisons.

The number of female prisoners continued to rise. There were four Mother and Baby units in England and Wales, the capacity of which increased to 78 places for mothers to keep their children with them while in prison.

In the prison system, women were held separately from men, juveniles from adults, and pretrial detainees from convicted prisoners. In a 2002 report to the U.N. Committee on the Rights of the Child, the Howard League for Penal Reform complained that juvenile prisoners faced high levels of assault and suicide that there were inadequate complaints procedures and protections.

People held solely under immigration legislation were accommodated in Immigration Service removal centers under detention center rules, unless they had completed a sentence of 12 months or more in a British prison or were held for reasons of security and control.

There were a number of deaths of incarcerated persons due to suicide and natural causes. The inquest into the 1996 death in prison of Jim McDonnell continued at year's end.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Parliament, respectively. In Scotland, the Scottish Prisons Complaints Commissioner's Office deals independently with prisoners' complaints.

In September, John Steele, a former head of prisons in Northern Ireland, issued a report reviewing the safety of prisoners and jail staff in Maghaberry Prison. The report followed a violent clash in August between republican and loyalist inmates, threats against prison officers by both republican and loyalist paramilitary prisoners, and a "dirty protest" by five dissident republican paramilitary prisoners in which they smeared excrement on their cell walls. Based on Steele's report, the Government began a \$25 million (14 million pound sterling) renovation of two prison blocks that should hold up to 192 inmates, and separate loyalist and republican paramilitary prisoners from each other and from other inmates.

The Government permits independent human rights observers to visit prisons and immigration detention centers.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest or detention, and the Government generally observed these prohibitions. However, arrests may be made without judicial warrants, particularly in Northern Ireland, when police have reasonable cause to suspect wrongdoing and antiterrorism legislation gives authorities broad powers of arrest, detention, and interrogation.

In Great Britain, regional police forces are responsible for maintaining law and order. There are 44 regional police services covering England and Wales and 8 policing Scotland. In Northern Ireland, the PSNI has that responsibility. In some areas of Northern Ireland, because of the continuing threat of violence, army units reinforce the PSNI. There were approximately 13,400 British troops stationed in Northern Ireland, one of the lowest levels since the early 1970s.

There were isolated cases where police corruption was alleged. The authorities actively investigated these cases.

Home Office figures for 2001-2002 revealed that 7 of the 898 substantiated complaints against police officers were related to corruption. The provisions of the 2002 Police Reform Act introduced a program for reforming a wide range of practices and powers. It requires the Government to produce an annual National Policing Plan and a nationwide Code of Practice for Chief Officers and institutes a new national system for responding to complaints against police officers.

Reports by official bodies and NGOs suggested that the public lacked confidence in existing procedures for making complaints against the police. The Police Reform Act provides that the Independent Police Complaints Commission (IPCC) will replace the PCA in April 2004. The legislation grants the IPCC its own body of civilian investigators with the power to investigate allegations of police misconduct completely separately from the police. The IPCC provides for: Greater involvement of the complainant in the investigation; greater openness in disclosing materials to the complainant; more effective powers to direct that disciplinary charges be laid against police officers; and greater independence of the person carrying out the IPCC investigation. All deaths in police custody will be referred to the IPCC. The Act also provides for a National Policing Plan to set priorities for policing and measures to ensure the most effective methods are used by all police forces.

The armed forces have a procedure to handle complaints of racial and other forms of harassment. Military personnel also have the right to submit complaints to employment tribunals. In 1998, the armed services entered into a 5-year agreement with the CRE to promote racial equality practices. In 2002, the Crown Prosecution Service entered into a partnership with the CRE designed to assist in its continued progress towards the elimination of racial discrimination.

In October, the Crown Prosecution Service released its first report on England and Wales under the Diversity Monitoring Project. The report's findings suggest that African Caribbean and Asian defendants tended to be prosecuted on the basis of weaker evidence than white defendants. The study recommended the appointment of specialist prosecutors for racist and religious crimes to oversee the prosecution and monitoring of such cases, as well as the establishment of a "common standard" to allow prosecuting advocates and Chief Crown Prosecutors to improve the quality of case review.

During the year, the Government began consultations to review, among other things, whether to extend hiring quotas in the PSNI. The quotas were scheduled to expire in March 2004. The Patten Report on Policing in Northern Ireland, released in 2000, established hiring quotas to increase Catholic representation in the PSNI, and also introduced new human rights standards and wider use of community policing practices. Respect for human rights was part of the appraisal process for staff evaluation. A cross-community Policing Board holds the Chief Constable Hugh Orde and the police service accountable. Sinn Fein has refused to participate in the Board and has declined to encourage Catholics to join the police, as called for in the Patten Report.

In a December report, the Oversight Commissioner charged with reviewing the implementation of the 175 Patten recommendations which stated that "all of the institutions (involved in the policing of Northern Ireland) continued to make excellent progress in implementing a program of change in policing that may be the most sweeping and complex ever attempted in a modern society." The Commissioner noted areas of progress such as the introduction of "a human rights-based approach to policing," the establishment of District Policing Partnerships to help hold the PSNI accountable to citizens, the introduction of community policing, and "improved methods of public order policing." However, the Commissioner criticized the failure to implement fully all sections of the Patten Report, and noted the lack of government funding to address the deteriorating conditions of police facilities, the lack of a "concrete plan for the implementation of an early warning system on police conduct," and delays in restructuring the Special Branch. The Commissioner also stated that "there is no reasonable explanation for (the) delay in providing a new training center for police officers."

In October, a North Wales Police officer, three Greater Manchester officers and a Cheshire officer resigned after the airing of a British Broadcasting Corporation (BBC) documentary program that included hidden-camera footage of the officers making explicitly racist statements and expressing hostility towards an Asian recruit. Another North Wales officer and two more from the Manchester force were suspended. All three police forces involved strongly condemned the behavior shown on the film and promised to do more to eliminate racism. Home Secretary David Blunkett said the footage was "horrendous" and urged better diversity training for recruits. The CRE opened an investigation into racism in the police service, which remained ongoing at year's end.

The 2000 Terrorism Act, which entered into force in 2001, widened the definition of terrorism and extends mechanisms that deal with terrorism in Northern Ireland, to all of the United Kingdom. It provides for emergency powers specific to Northern Ireland for a period not exceeding 5 years, including special entry, arrest, search, and seizure authority without a warrant under certain circumstances.

Article 44 of the Terrorism Act allows senior police officers to designate areas where police have exceptional power to stop and search wherever a senior police officer considers it expedient for the prevention of acts of terrorism. The designation lapses after 48 hours unless confirmed by a Cabinet minister, such as the Home Secretary. There is no provision for judicial review of Article 44 designations and no requirement that the public be informed an area has been so designated until an actual search takes place. After protesters were stopped and searched in London's Docklands, in September, Scotland Yard confirmed that all of greater London has been continuously under Article 44 designation since 2001. The NGO Liberty challenged Scotland Yard and the Home Secretary in court, arguing the designation is unlawfully broad; it remained pending at year's end.

Police officers may only stop and search vehicles and pedestrians if a senior police officer "reasonably believes" it is expedient to do so to prevent acts of violence. Article 44 of the Terrorism Act provides law enforcement authorities with the power to detain without charge individuals suspected of having committed a terrorism-related offense for up to 48 hours. This period may be extended by court order for a maximum of seven days.

The Anti-Terrorism, Crime, and Security Act of 2001 includes provisions to cut off terrorist access to funds; ensure better information sharing between agencies; enhance police investigative powers, tighten security in relation to aviation, civil nuclear sites, and laboratories; prevent terrorists from abusing immigration and asylum laws; and enable swift action to implement European Union (EU)-agreed anti-terrorism measures.

This Act also allows for extended detention of immigrants and asylum seekers suspected of being terrorists but who cannot be removed from the country immediately. Human rights groups object to provisions of these laws, arguing that they reverse the burden of proof and provide inadequate safeguards against abuse by law enforcement officials. These objections focused on the broad definition of terrorism employed in the law, the proscriptive powers of the state, and the powers of arrest, detention, and interrogation. The Special Immigration Appeals Commission ruled in 2002 that these detention powers were unlawful and violated the Government's obligation under the European Convention of Human Rights. The Government appealed the ruling, and in 2002, the Court of Appeals ruled that the detention powers complied with the European Convention on Human Rights.

Defendants awaiting trial have a statutory right to bail except when there is a risk that they would flee, commit another offense, or in other limited circumstances. Defendants who are remanded into custody are covered by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 16 weeks, unless the court grants an extension.

The law gives administrative detention power to immigration officers. There is no time limit to such detention, but detainees have the right to request a judicial review or an application for habeas corpus (see Sections 1.c. and 2.d.). The Government provided all immigration detainees with written notice specifying the reasons for their detention at the time they are detained and provided detainees with automatic monthly updates on their case. The law permits all detainees to apply for bail. There were no set levels of surety for bail, and surety was not required in every case.

While there is no law prohibiting forced exile, the Government did not employ it.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice. There are several levels of courts. In England and Wales, most criminal cases are heard by Magistrates' Courts, which were managed by locally based committees. Their decisions may be appealed to the Crown Courts, which also hear criminal cases requiring a jury trial, or to the High Courts. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission operates as an additional appellate body in England, Wales, and Northern Ireland and considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction.

In Scotland, the High Court of Justiciary, established in 1672, acts as a court of first instance for serious crimes such as rape and murder. The High Court also serves as an appellate body. Forty-nine Sheriff Courts handle lesser crimes. Sheriff Courts have restricted sentencing power but can remit cases to the High Court for disposal if they so choose. District Courts sit in each local authority and handle crimes such as breach of peace, minor assaults, and petty theft. Civil matters can be handled in the first instance by either the Court of Session, which is the supreme civil court in Scotland, or by Sheriff Courts. The Court of Session also serves as the appellate court for civil matters. Decisions by the Court of Session can be appealed to the House of Lords.

The Criminal Justice Act, which took effect in November and applies to England and Wales, allows for: Criminal trials to take place without juries where the jury has been intimidated; allows double jeopardy in certain cases where "compelling new evidence" arises after a previous acquittal; and changes rules of evidence to allow introduction of evidence of a defendant's previous misconduct (including previous convictions). Human rights NGOs criticized the Act, claiming that its double jeopardy provisions potentially make any acquittal conditional, and that allowing evidence of prior misconduct could unfairly prejudice defendants.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right of appeal to successively higher courts. Indigent defendants have the right to free counsel of their choice, with some exceptions. The UNHCR reported that the right of asylum seekers to free legal advice was severely limited by a shortage of competent legal advisors outside of urban centers and a shortage of funding for legal advice in urban centers.

Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In England and Wales, the law empowers judges to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee have criticized this provision, which they considered an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland, but the law prohibits the drawing of an inference from silence when a suspect is questioned before being permitted access to an attorney. The European Court of Human Rights has ruled that, taken in isolation, drawing inferences from silence did not contravene the accused's right to a fair trial provided for by the European Convention on Human Rights and Fundamental Freedoms. However, the Court decided that the possibility of inferences being drawn from the silence of an accused while he was denied access to legal advice constituted a breach of the requirement for a fair trial under the Convention. In Scotland, a trial judge may report to a jury that a defendant has refused to answer some or all of the investigating prosecutor's questions. However, the judge must mention this in a cautious manner, and generally does not instruct the jury on how to react toward the defendant's choice not to answer certain questions.

A small percentage of defendants faced lengthy pretrial detention (see Section 1.d.). The Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected.

The 2000 Terrorism Act contains a provision for Northern Ireland whereby the opinion of a senior police officer that an individual is a member of a terrorist organization is admissible as evidence in criminal proceedings, although an individual cannot be charged or convicted solely on this basis. This provision of the Act is a temporary measure that requires annual renewal and has not been used to date (see Section 2.b.).

In Northern Ireland, trials for certain terrorist-related offenses are conducted automatically as "scheduled cases," also referred to as "Diplock cases," and are conducted without a jury unless they specifically are "scheduled out" for trial before a jury. If "Diplock" judges decide to convict, they must justify the decision in a document that becomes part of the court record. An Appellate Court may overturn the decision on either factual or legal grounds. From January 1 through August, 70 persons were listed as "scheduled cases," of whom 63 either pled or were found guilty. A person convicted in a "scheduled case" has an automatic right of appeal. Human rights groups widely criticized the Government's continued reliance on "scheduled cases." In July the Government repealed Section 76 of the 2000 Terrorism Act, which meant that the standard for admissibility of confession in the "scheduled cases" is now the same as that in ordinary criminal courts.

The PSNI introduced a Police Order regulating the relationship between police officers and defense lawyers. The NGO BRIW stated that some NGOs had reported that threats against lawyers had ceased due to new interview procedures, but that in non-interview situations some lawyers continued to receive threats. BRIW further stated that many lawyers were reluctant to take cases involving members of paramilitaries because of such threats.

In 2001, the UK and Irish Governments appointed the Honorable Judge Peter Cory to "establish the facts and report with further recommendations" regarding allegations of state involvement, collusion, or culpability in six Northern Ireland and Republic of Ireland killings. These cases included the killings of: Billy Wright in 1997, Robert

Hamill in 1997, Pat Finucane in 1989, Rosemary Nelson, Lord Justice, and Lady Gibson in 1987, and police officers Harry Breen and Bob Buchanan in 1989. On October 7, Judge Cory turned over his reports to the British and Irish Governments. The Irish Government published two of the reports in December; the British Government is expected to publish the four reports that it received, after reviewing them for sensitive security information. The Government pledged to conduct a public inquiry into any of these cases if the judge recommended that it do so.

Hearings continued in the judicial inquiry into the events in Northern Ireland on January 30, 1972--"Bloody Sunday"--when 13 unarmed civil rights demonstrators in Londonderry/Derry were killed by British soldiers, but for which no member of the security forces was held accountable. The inquiry, which usually sits in Londonderry/Derry, heard testimony of military witnesses in London in the fall due to concerns for their safety.

The Human Rights Act and the Scotland Act require all public bodies to act in a manner compatible with the European Convention on Human Rights. The law provides citizens with the right to take alleged violations of the convention by a public authority into domestic courts.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice. Warrants normally were required for a police search of private premises. A police officer may enter and search without a warrant "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensated persons whose houses or property are damaged during house searches. Police stopped minorities for searches more often than whites (see Section 5).

Under the Regulation of Investigatory Powers Act (RIPA), the Government may monitor the content of private electronic communications after obtaining a warrant. Law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. Businesses may monitor the electronic communications of employees.

A case brought by three NGOs--BIRW, Liberty, and the Irish Council for Civil Liberties--before the European Court of Human Rights in 2002, stating the Government had intercepted their telephone calls to clients in Ireland without a warrant, remained pending at year's end.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to secure freedom of speech and of the press, including academic freedom. Viewpoints critical of the Government were well represented.

Press organizations and human rights groups continued to criticize 1981 legislation that allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice and 1984 legislation that compels journalists to give evidence in cases where police can prove it is necessary to their investigation. Journalists and open media advocates cited the Official Secrets Act as unduly restrictive by prohibiting the legal defense that the information provided by a source is already in the public domain or that its publication is in the public interest.

The print media was dominated by more than a dozen national daily and Sunday newspapers, all privately owned and independent (although often generally aligned with a political party). Approximately one-half of the electronic media was run by the BBC, which was funded by the Government but enjoyed editorial independence. Corporations under renewable government licenses operated the remainder.

The investigation into the 2001 drive-by shooting in Northern Ireland of journalist Martin O'Hagan continued at year's end. In a statement marking the second anniversary of O'Hagan's death, the National Union of Journalists (NUJ) claimed that O'Hagan was killed by members of the Loyalist Volunteer Force (LVF) to stop him from writing. The NUJ further alleged that the identity of O'Hagan's killers was known to the police, but lack of forensic evidence prevented them from arresting the perpetrators. In September, the NUJ issued a statement expressing concern at the lack of progress in the investigation into O'Hagan's murder. Journalists from the Sunday World--O'Hagan's



employer--reported receiving death threats from loyalist paramilitaries.

In April, the PSNI arrested and briefly detained journalists Liam Clarke and his wife Kathryn Johnston under the Official Secrets Act, after the two revealed transcripts of tape-recorded telephone conversations between Mo Mowlam, then-Secretary of State for Northern Ireland, Jonathan Powell, the Prime Minister's chief of staff, and Martin McGuinness, Sinn Fein Member of Parliament. Police searched Clarke and Johnston's home, as well as Clarke's offices at the Sunday Times, seizing papers and computers that were later returned. Two other journalists at the Times and the Observer respectively were also questioned about the transcripts. A judicial proceeding regarding the PSNI action remained at the end of the year.

In July, police searched the home of journalist Anthony McIntyre and seized papers, a computer, mobile phones, and a digital camera because McIntyre was allegedly suspected of possessing stolen documents relating to the management of the prison service.

The Government did not restrict Internet access. The Internet Watch Foundation, a web industry self-monitoring group, worked with Internet providers to minimize the availability of illegal Internet content, particularly child abuse images.

#### b. Freedom of Peaceful Assembly and Association

The law provides for the right of peaceful assembly; however, the Government may limit that right if it would impose a cost on public convenience.

In Northern Ireland, the annual "marching season" poses problems as residents in some Catholic communities perceive the parades as threatening and provocative. The Public Processions (Northern Ireland) Act grants responsibility for ruling on "contentious" marches to a Parades Commission. The Commission may not ban marches, but may only impose conditions on them, such as route restrictions. Of the 3,280 notified parades held between April 2002 and March, 191 were considered contentious; the Parades Commission imposed restrictions on 137. This was a reduction from the previous 12-month period, when 220 of 3,301 parades were considered contentious, and restrictions were imposed on 152 parades. According to the Parades Commission, the numbers of both contentious parades and restrictions imposed were somewhat distorted by the notification of a Drumcree return parade virtually every week, contributing about 40 parades to both the "contentious" and "imposed restrictions" categories. Some parades by the "Loyal Institutions" (i.e., the Royal Black Preceptory, Orange Order, and Apprentice Boys), whose membership is almost exclusively Protestant, have been prevented from passing through nationalist areas because of public order concerns.

The law provides for freedom of association, and the Government generally respected this right in practice. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years' imprisonment, to belong to or to profess to belong to a terrorist organization proscribed by the Home Secretary. Individuals also were subject to prosecution for supporting or inviting support for a proscribed terrorist organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. The Act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism.

Civil liberty groups have complained that anti-terrorism legislation was wrongly used against peaceful demonstrators. In July, police arrested anti-war demonstrators under Article 44 of the 2000 Terrorism Act at the Royal Air Force Base at Fairford in Gloucestershire. The NGO Liberty called on the House of Commons Home Affairs Committee to investigate whether charges under the Terrorism Act were proper; the decision to investigate remained pending at year's end.

In September, police used anti-terror laws to arrest demonstrators at an arms fair in London. Home Secretary David Blunkett requested a report from the Metropolitan Police's Counterterrorism branch as to why the 2000 Terrorism Act was used rather than public order legislation. The report remained pending at year's end.

#### c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors.

There were two established churches: The Church of England (Anglican) and the Church of Scotland (Presbyterian). There are no established churches in Wales or Northern Ireland. Two Anglican Archbishops and 24 Bishops receive automatic membership in the House of Lords, while prominent clergy from other denominations or religions are not afforded this privilege. Other than in the House of Lords, membership in a given religious group does not confer a political or economic advantage.

The Government did not recognize Scientology as a religion for the purposes of charity law. Scientology ministers were not considered ministers of religion for the purpose of immigration relations or facilitating prison visits. However, prisoners were free to register their adherence to Scientology; this is reflected on their records.

The law requires religious education in publicly maintained schools throughout the country. The shape and content of religious instruction is decided on a local basis and must be nondenominational and refrain from attempting to convert pupils. All parents have the right to withdraw a child from religious education, but the schools must approve this request.

In addition, schools have to provide a daily act of collective worship, which may be waived if a school's administration deems it inappropriate for some or all of the students. Under some circumstances, non-Christian worship may be allowed. Teachers' organizations have criticized school prayer and called for a government review of the practice.

While the majority of state-supported schools were Protestant or Roman Catholic, there were a number of state-supported Muslim, and Jewish schools, as well as two Sikh schools, one Greek Orthodox, and one Seventh-day Adventist school.

NGOs reported an increase in negative attitudes towards Islam and attacks against Muslims after September 11, 2001. Isolated incidents targeting Muslims, including assaults and acts of vandalism, occurred during the year. In June, anti-Muslim slogans were painted on walls at Birmingham's Central Mosque soon after the airing of a fictional BBC television program depicting the recruitment of suicide bombers in a Birmingham mosque. The Government condemned the violence.

According to the Community Security Trust, there were 116 anti-Semitic incidents reported in the first 3 months of the year, including 23 assaults. In May, vandals desecrated 386 graves at a Jewish cemetery in east London. Although public manifestations of anti-Semitism were confined largely to the political or religious fringes, religious leaders expressed concern that public statements of political "anti-Zionism" could cross the line into anti-Semitism.

The 1998 Good Friday Agreement aimed to create a lasting settlement to the conflict in Northern Ireland and a society based on equality of opportunity and human rights. However, fear of intercommunal violence has, over the years, contributed to a pattern of segregated communities in Northern Ireland. Many Protestant and Catholic families have moved away from mixed-religion or border areas.

The police in Northern Ireland reported approximately 150 attacks against both Catholic and Protestant churches, schools, and meeting halls through November. Such sectarian violence often coincided with heightened tensions during the spring and summer marching season (see Section 2.b.).

The Holy Cross girls primary school in the predominantly Protestant Glenbryn area of north Belfast received sporadic bomb threats. Violence occurred in other interface areas dividing predominantly Protestant and predominantly Catholic areas in North Belfast and in Short Strand. Notable incidents included bricks thrown at a school bus carrying students to the Girls' Model School, 11 of whom were hospitalized following the attack, a suspected arson attack on Strandtown Primary School, and armed men vandalizing and setting fire to cars in the parking lot of Our Lady of Mercy girls' school. Residents complained of uneven policing.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice. Citizens enjoyed freedom of movement within the country, foreign travel, emigration, and repatriation.

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the Province. For example, the family of Joseph McCloskey remained in exile in England after a Provisional IRA death threat in 2001 (see Section 1.a.). In another high profile incident, a feud between convicted terrorist Johnny "Mad Dog" Adair's faction of the Ulster Defence Association and other UDA members caused Adair's wife

and a number of his associates and their families to flee to Scotland in February.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government also grants asylum based on fear of persecution by non-state actors where the authorities are satisfied that the asylee's home state is either unable or unwilling to offer protection. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Applicants may apply for asylum or refugee status upon arrival or after entering the country. The law permits all asylum seekers to remain temporarily in the country at least until immigration authorities consider their application and, if they are refused asylum, until their rights of appeal are exhausted. Some asylum seekers were detained while the Government reviewed their cases. According to the Home Office, as of June, approximately 26,585 principal applications for asylum (excluding dependents) were made, and the Government granted asylum in 6,530 cases. At the end of June, decisions were pending in 31,800 asylum cases. During the first 6 months of the year, the backlog had fallen to its lowest level in over a decade.

In December, the Government introduced the Asylum and Immigration (Treatment of Claimants, etc.) Bill of 2004 to Parliament. The Bill, based on Home Office recommendations, contains provisions to limit asylum seekers' access to appeal; withdraw public support from failed asylum seekers; create a specific criminal offense of entering the country without a passport; and broaden the circumstances under which failed applicants may be deported to safe third countries. Parliament plans to continue consideration of the Bill in its 2004 session.

Guidelines for use by the courts in considering asylum claims by women urge judges to consider situations more likely to be faced by female asylum applicants, including female genital mutilation (FGM) and trafficking (see Sections 5 and 6.f.).

The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees. Approximately 6,545 persons were not recognized as refugees but were granted leave to remain in the country. In March, the Government began forced repatriations of persons denied asylum.

The Nationality, Immigration, and Asylum Act of 2002 reformed the asylum system by establishing a system of induction, accommodation, and removal centers to expedite the process and reduce abuses (see Sections 1.c. and 1.d.). NGOs have criticized the Act for its provisions to educate children of asylum seekers in accommodation centers rather than in local schools. The Government dispersed detainees throughout the country, in housing estates or government facilities. As of June 28, 1,230 asylum seekers were in reception or removal centers, and 125 were in prison establishments where they were held separately from convicted prisoners and those awaiting trial.

The treatment of asylum seekers continued to be the subject of media attention and political debate during the year (see Section 1.d.). The Yarl's Wood Center, which closed after a riot and fire in February 2002, admitted 60 single female asylum seekers after reopening in September. In August, asylum seekers were convicted of violent disorder and sentenced to jail in connection with the fire and mass breakout at the center.

In September, the Prison Ombudsman began reviewing claims by some former detainees at Yarl's Wood that they were denied food for 3 days and were seriously injured by guards in the aftermath of the riot in February 2002. Several detainees also filed a civil case alleging abuse by the private firm responsible for security at the center. Decisions were pending at year's end.

In March, a court sentenced 18-year-old Steven Roberts to a life sentence for the 2002 murder of Iranian asylum seeker Payman Bahmani; the court treated the crime as having a racial motive.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. The upper chamber, the House of Lords, has the power to revise and delay, but not block the implementation of laws. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. Other elected bodies such as the Scottish Parliament, the Welsh

Assembly, and (prior to its dissolution in 2002) the Northern Ireland Assembly, have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continued to be the responsibility of the central government. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have county councils.

In October 2002, the Northern Ireland Assembly and Executive were suspended. The suspension came in the wake of October 2002 raids on homes belonging to Sinn Fein members and a Sinn Fein office at the seat of Northern Ireland's devolved government, the Parliament Building. The raids were prompted by an alleged Sinn Fein/IRA spy operation inside the Northern Ireland Office in Belfast. The Government temporarily re-instituted direct rule headed by the Secretary of State for Northern Ireland and four ministers. The Government held new elections in Northern Ireland on November 26, and subsequently undertook efforts with local political parties and the Irish Government to reestablish devolved government.

The Scottish Parliament, which met for the first time on July 1, 1999, is led by a First Minister (similar to a prime minister) and a cabinet known as the Scottish Executive. The Parliament holds full responsibility in Scotland for justice, policing, education, health, local transport, the environment, economic development, agriculture, fisheries, housing, local government, and tourism. Under the 1998 Scotland Act, the Scottish Parliament is authorized to increase or decrease Scottish revenue by adjusting UK income tax rates for persons resident in Scotland by up to 3 percent in either direction.

The small number of remaining overseas British territories have an aggregate population of approximately 190,000. They enjoyed varying degrees of self-government based on the UK model, with appointed governors.

Women did not face any legal constraints on voting or holding office. Women constituted 18 percent of the members of the House of Commons, and 17 percent of the House of Lords. Twelve members of Parliament have identified themselves as members of minority ethnic groups.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Proceedings under the Human Rights Act--which incorporated the provisions of the European Convention on Human Rights into domestic law--may be brought only by victims of a breach of convention rights by a public authority. While cases may be taken to the European Court of Human Rights, all domestic remedies under the Human Rights Act must be exhausted first.

The Home Office has a human rights unit with responsibility for human rights policy and legislation in England and Wales. NGOs have criticized the Government for its failure to create a government-wide human rights commission. In 2001, the Scottish Executive announced that it would establish an independent and statutory Scottish Human Rights Commission. During the period of this report, the Scottish Executive held consultations on the establishment of the commission.

In Northern Ireland, the Human Rights Commission was established as an outcome of the peace process to provide legal advice and assistance to citizens. The Commission continued to consult on a bill of rights specific to Northern Ireland, pursuant to the Good Friday Agreement, which also mandated wide-ranging reforms in policing and criminal justice. A summary of submissions for the Bill of Rights was published in July, and the Commission expected the consulting process to last at least 1 more year. Commissioner Patrick Yu resigned from the Commission in July, joining Christine Bell and Inez McCormack, who resigned in 2002. Two other commissioners have withdrawn from the Commission's day-to-day operations, but have not resigned their positions. The three former commissioners, as well as some Northern Ireland political parties, have criticized the Commission's work and cited the Government's failure to provide adequate resources. In November, another commissioner resigned to run for public office.

A number of international human rights NGOs were based in the country. The Government cooperated fully with international inquiries into alleged violations of human rights.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits incitement to racial hatred and discrimination on the basis of race, color, nationality, or national or ethnic origin; however, some groups continued to experience official and societal discrimination. The Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Northern Ireland Equality Commission oversees antidiscrimination policy. Section 75 of the Northern Ireland Act places all public authorities under a duty to promote equality of opportunity.

## Women

Violence against women continued to be a problem. According to Home Office statistics, from May 2002 through April, police recorded 11,441 rapes and 24,811 indecent assaults. Police and government action to support the victims of sexual offenses was likely to have increased the number of such offenses brought to the attention of police.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence, are substantial, and these laws were enforced strictly; however, conviction rates for rape tended to be lower than for other crimes. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provided shelters, counseling, and other assistance for battery or rape and offered free legal aid to battered women who were economically reliant on their abusers. The law prohibits defendants themselves from conducting cross-examinations of complainants in rape and sexual offense trials. The Youth Justice and Criminal Evidence Act includes a provision that restricts the admissibility into evidence of a complainant's previous sexual history.

The Female Genital Mutilation Act, which took effect in October, makes it a crime to practice FGM, or to assist another person in its practice, either in the country or in another country. The extent to which the procedure took place was unknown, but NGOs reported that the practice continued in isolated incidents during the year.

Women continued to be trafficked into the country (see Section 6.f.).

No law specifically prohibits sexual harassment; criminal action for sexual harassment cases must be prosecuted under assault legislation. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender can take up to 3½ years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes; however, in practice, women experienced some discrimination. The law prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. The Government's Equal Opportunities Commission supported persons who bring discrimination cases before industrial tribunals and courts and produced guidelines for employers. The Government's Women and Equality Unit reported that women's hourly earnings were, on average, 81 percent of men's. Women's issues were represented at the cabinet level by the Minister for Women, who headed the Women and Equality Unit. The Women and Equality Unit engaged in dialogue with women and advised the Government but had no authority for direct action.

## Children

The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided free, compulsory education until age 16 and further free education until age 18 if a student so desires. In June, the Government created the post of Minister of Children, Young People and Families within the Department of Education and Skills. The Minister coordinates government policy concerning children and young persons, including: Policy on children's social service and child protection; children in state care; parental responsibility and the role of parents in education; careers service for young people; and protecting young people at risk, including homelessness and social inclusion. In Scotland, the Minister for Education and Young People and the Minister for Communities oversee similar programs.

The law prohibits corporal punishment in state schools. Corporal punishment is allowed at non-state schools in England and Wales provided it is not inhuman and degrading. Child welfare groups have called for all corporal punishment of children to be outlawed.

Although there were indications that child abuse was a problem, there was no pattern of abuse directed against children. A lack of reliable data made analysis more difficult.

Concern and publicity surrounding pedophiles continued to grow. As part of a government drive to protect children

from child abusers, previously secret registers of pedophiles were available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition, suspected child abusers and convicted pedophiles were banned from working with children. Childcare organizations must consult a list of banned individuals before offering anyone a job, paid or otherwise, and it was illegal for them to hire anyone named on it. The Home Office strengthened the Sex Offenders' Register by giving police expanded powers to force those convicted of relevant sex offences outside the country to register as offenders in Britain. All sex offenders on the register must report to a police station in person every 12 months to confirm their whereabouts. The Government's Task Force on Child Protection on the Internet organized educational campaigns, developed proposals on stiffer penalties against pedophile activities, developed models and good practices for protection, and worked on a global strategy to combat the problem.

A 2002 joint report, "Safeguarding Children," issued by the Chief Inspectors of Social Services, concluded that, in the vast majority of cases, government agencies protected children from the risks of further harm, with good working relationships between agencies at all levels. However, the report noted concerns that the services were under pressure for resources and management on some levels and made numerous recommendations for further safeguards. Two NGOs, the Refugee Council and Save the Children, claimed in a 2001 report that many social services agencies provided inadequate care to unaccompanied minors seeking asylum.

Children have been trafficked into the country for sexual exploitation and forced labor (see Sections 6.d. and 6.f.). In December, Luan Plakici was convicted for procuring a teenager to have unlawful sex and incitement to rape, as well as other counts of kidnapping and trafficking (see Section 6.f.).

The Armed Forces accept recruits from age 16. NGOs including the Child Soldiers Coalition and Amnesty International have criticized this practice.

Under the 2000 Terrorism Act, the police may arrest and detain children as young as 10 years of age for up to 7 days, although no children were detained under the Act during the year.

#### Persons with Disabilities

The Disability Discrimination Act (DDA) prohibits discrimination against persons with disabilities in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition, all businesses are required to accommodate customers with disabilities. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. The Education Act requires local education authorities to make provision for the special educational needs of children with disabilities.

The Government responded to a 2001 disability rights task force report by announcing new measures to cover nearly 7 million jobs previously excluded from the DDA, such as police, firefighters, and prison officers. At year's end, the Government was consulting on its plans for implementing these measures for implementation in 2004. This would significantly change the DDA, including ending the exemption of small employers and bringing within scope of the Act a number of new occupations such as fire fighters, police, and prison officers. The Special Educational Needs and Disability Act enhances civil rights for persons with disabilities in education.

The DRC provided a hotline for persons with disabilities and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair accessible; similar regulations were in force for sensory-impaired persons. Access to many buildings, particularly older buildings, including transportation centers, remained inadequate. New measures introduced in March require all businesses to make "reasonable" modifications for persons with disabilities by 2004.

#### National/Racial/Ethnic Minorities

Despite legal prohibitions against racial discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin, and Travellers--itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 300,000 persons--faced occasional acts of societal violence and some discrimination.

Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforced the laws and regulations in this area. Isolated incidents of racially motivated violence continued to occur.

In November, two youths were convicted of manslaughter for the death in May of 15 year-old Johnny Delaney. Delaney, who lived in a Travellers' site in Liverpool, died after the youths attacked him and kicked him in the head. According to press reports, the court heard that one defendant said Delaney deserved the attack because "he was only a Gypsy."

In June, a riot involving local youths and Kurdish asylees took place in Wrexham, North Wales, that left one Kurd injured. In April, approximately 15 persons attacked three Ghanaian men in a South Yorkshire village.

A complaint against the police in the inquest into the 1997 death of a young Asian, Lakhvinder "Ricky" Reel, found drowned in the Thames River in what his family believes was a racial attack, concluded in an open verdict. The Police Complaints Authority, who supervised the inquest, found that there was no proof that the police acted improperly in deciding not to investigate Reel's death as a murder.

According to the Office of the Deputy Prime Minister by the end of July, there were approximately 300,000 Travellers, itinerant people often of Roma or Irish ethnicity, living in the country. They have experienced marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. In June, the Scottish Parliament published a report citing evidence of institutional discrimination, racism, and harassment of Travellers in Scotland. The Race Relations (Northern Ireland) Order provided specific legal protection to minority ethnic groups in Northern Ireland, including the Traveller community. The Government also instituted the Gypsy Sites Refurbishment Grant to refurbish the existing network of local authority Gypsy sites. Since 2001, the Government has paid approximately \$30 million (17 million pounds sterling) for the Gypsy Site Refurbishment Grant to 150 successful bidders. The funds have been used to rehabilitate substandard facilities on existing sites and to improve derelict sites, which were abandoned due to acts of vandalism or due to poor onsite facilities, for use.

The CRE is government-appointed but independent; it provides guidelines on anti-discrimination practices, supports persons taking court action, and may initiate its own court actions. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE monitors the response to such notices for 5 years. The CRE's code of practice places a statutory duty on public authorities to promote racial equality. In January, the Scottish Parliament approved the Local Government in Scotland Bill that requires the government in Scotland to promote equal opportunity and anti-discriminatory practices at all levels.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right to organize and protects the rights of union members. Workers have the right to form and join unions, and workers exercised this right in practice. Just under 30 percent of the workforce was unionized. Coverage was most widespread in the public sector, where 60 percent of workers were organized. In contrast, 19 percent of private sector workers were unionized. Unionization of the work force is prohibited only in the armed forces, public sector security services, and police force. Unions, although often affiliated with political parties, were free of government control. The 1999 Employment Relations Act affords protection to union organizing efforts and sets minimum employment standards. Workers are protected by law against dismissal or other retaliation for campaigning or voting for or against recognition. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies.

The law protects union members against "being subject to any detriment" due to union activity or membership, and this was generally observed in practice. The law also covers contract and part-time workers.

Unions may join federations and participate freely in international organizations. The largest federation was the Trades Union Congress. Former British union leaders frequently occupied leadership positions in international labor organizations.

### b. The Right to Organize and Bargain Collectively

Collective bargaining is a long-standing right and covers approximately 30 percent of the work force. Under the Employment Relations Act, labor-management contracts are enforceable legally.

Under the Act, unions may file a request for recognition, identifying the proposed bargaining unit to the Central Arbitration Committee (CAC), a tripartite group that includes representatives from government, business, and labor. The Act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces. Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC may issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit; these rules were enforced in practice.

Although the law encourages voluntary agreements between employers and unions, the CAC may, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

The Employment Relations Act provides for the statutory right to strike and the law prohibits retaliation by strikers. Dismissed strikers were able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike or "trade dispute." The law defines a "trade dispute" in great detail; in summary, a strike must be confined to workers and their own employers ("secondary boycotts" are illegal), the dispute must be wholly or mainly about employment-related matters (e.g., pay and conditions), workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited. These rules were enforced in practice. There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The Government prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course.

There were reports that children were trafficked into the country and forced to work as domestic servants, drug couriers, in sweatshops and restaurants, or as beggars or pickpockets (see Section 6.f.).

#### e. Acceptable Conditions of Work

The adult minimum wage was \$8.00 (4.50 pounds) per hour after the latest increase on October 1. A separate minimum wage for 18- to 21- year-olds (the Development Rate) was also increased to approximately \$6.76 (3.80 pounds) per hour. The Development Rate may also apply to workers aged 22 and over who are receiving accredited training during the first 6 months in a new job. The Low Pay Commission also was reviewing proposals for a third tier for 16- to 17- year-olds and was expected to issue a report on its findings by February 2004. According to government figures released in October, 330,000 people were not receiving the adult rate. However, approximately 160,000 of those were employees in training status or receiving other types of subsidies. Trade union organizations estimated that only approximately 170,000 were cases of illegal underpayment; the Government has aggressively monitored employer efforts to bring pay practices into compliance. Unions and NGOs were also actively involved in ensuring employees are aware of their rights. The national minimum wage did not provide a decent standard of living for a worker and family; however, other benefits of the welfare state filled the gap. Of nearly 28 million workers, approximately 6 million (21 percent) benefit from a social insurance scheme, in addition to receiving free universal access to the National Health Service. The tax credits for working families and persons with disabilities were designed to ensure a working family a weekly income of \$319 (214 pounds), which constituted a living wage. No family earning less than \$380 (255 pounds) per week is obligated to pay income tax. The Government also provided a minimum income guarantee for low-income pensioners, which increased the basic state pension that all retired employees received.

Domestic legislation limits the workweek to 48 hours, in compliance with EU standards. However, an individual employee may agree through contract to work in excess of that limit under the terms of government derogation to the EU rules. Exemptions allowing overtime were fairly common, but the Government's derogation was under review. The maximum compensation level for unfair dismissal claims was approximately \$89,000 (50,000 pounds). The Employment Act of 2002, major provisions of which took effect on April 6, expanded parental leave provisions, providing options for maternity, paternity and adoptive parent leave. It also allows employees to request flexible



work and created company-level dispute resolution mechanisms.

The Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk, and in practice the Act was updated regularly to reflect new safety issues. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitored enforcement of the Act. Workers may remove themselves from dangerous work conditions without jeopardy to their continued employment.

Foreign workers are protected by the same labor laws and have the same rights as other workers, and foreign workers exercised these rights in practice. Some unions have outreach support and counseling programs specifically targeting foreign workers in the country who may be at higher risk of exploitation.

#### f. Trafficking in Persons

The law specifically prohibits trafficking in persons for sexual exploitation; however, trafficking in persons for prostitution remained a problem. Besides the specific prohibition of trafficking for sexual exploitation, many other human trafficking offenses are punishable under existing laws.

The criminal penalty for trafficking in prostitution with a maximum sentence of 14 years was part of the Nationality, Immigration, and Asylum Act of 2002. The new Sexual Offences Act, which was passed in November, introduces three specific crimes of: "Trafficking into the UK for sexual exploitation," "Trafficking within the UK for sexual exploitation," and "Trafficking out of the UK for sexual exploitation." These crimes carry a maximum sentence of 14 years and are a crime if committed abroad by a British citizen or resident. Other sections of the law such as the crime of "Arranging or facilitating commission of a child sex offence," which carries a maximum penalty of 14 years, may also apply to trafficking situations. Other provisions of the Sexual Offences Bill and Nationality, Immigration and Asylum Act may be used in trafficking situations. Prior to the new legislation, traffickers, depending on the scope of their illegal activity, could be prosecuted under some provisions of the old Sexual Offences Act and Immigration Act, including such crimes as running a brothel and specific sexual offenses that might be committed against trafficking victims such as forcible rape. The maximum penalty for keeping brothels is 7 years and for forcible rape is life imprisonment.

During the year, the Government introduced a bill to Parliament that would criminalize bringing individuals into or sending individuals out of the country for purposes of exploitation, including forced labor or the provision of services under force, threat, or deception. The maximum penalty under the Bill would be 14 years in prison.

There have been prosecutions under the Sexual Offences Act of 1956 for human trafficking situations. Because there had been no specific offense of trafficking before the recent change in law, it was not possible to provide comprehensive statistics on prosecutions.

On December 22, a north London Court sentenced Luan Plakici, an Albanian immigrant, to a 10-year prison sentence for kidnapping and trafficking approximately 50 to 60 women and girls to the country from July 2000 to October 2002 (see Section 5).

In July, more than 200 police officers raided properties in London and arrested a gang of Nigerian persons suspected of bringing children and adults into the country illegally. A police investigation resulted in the arrest of 19 persons in connection with the 2001 discovery of the torso of a Nigerian boy's body in the Thames River. Authorities believed the boy may have been brought into the country and used in a ritual killing.

The cabinet level departments engaged in anti-trafficking efforts include the Home Office, Foreign and Commonwealth Office, Department of Trade and Industry, Department for Education and Employment, and the Department for International Development. Specific agencies involved include the Police, the National Criminal Intelligence Service, the National Crime Squad and the Immigration and Nationality Directorate. The Policing Organized Crime Unit in the Home Office has the lead on the issue of human trafficking, although due to the cross-cutting nature of the crime of human trafficking, other Home Office units and other government departments are also closely involved in developing a comprehensive response to the problem.

A task force called "Reflex" brought together all of the agencies involved in combating trafficking and migrant smuggling. These included the National Crime Squad, the National Criminal Intelligence Service, the Immigration Service, the Foreign and Commonwealth Office and the major police forces, including the Metropolitan Police and the British Transport Police. All operational initiatives combating organized immigration crime are targeted through Reflex. Reflex also worked with regional police forces to raise awareness about trafficking.

The Government participates in multinational and international working groups and efforts to prevent trafficking through EU, U.N. and Organization for Security and Cooperation in Europe (OSCE) mechanisms. The Reflex taskforce works closely with several EU partners and third countries. In line with an EU Council Resolution of 2001, the Government has placed Immigration Liaison Officers in other European countries where they work with local law enforcement to develop intelligence and disrupt the effort of organized criminal groups involved in migrant trafficking. From April through December, Reflex's work resulted in 67 arrests and 19 convictions for organized immigration crime, and has disrupted 27 organized criminal gangs.

The country was a destination for trafficking of women and girls for prostitution and in men and women for manual labor. There were no definitive figures on the extent of the problem. A report by the Home Office in 2000 estimated that less than 1,500 women were brought into the country each year. They were destined primarily for work in the sex industry. The trafficked population included children, though the numbers appeared to be small. The country was also a destination country for trafficked men who work in agriculture and industry. The country was not a country of origin for human trafficking, although there were some indications it played a minor role as a transit country.

Law enforcement authorities indicated that women were trafficked for sexual exploitation from Central and Eastern Europe (Albania, Kosovo, Romania, Bulgaria, Lithuania, Moldova, Russia). Some also come from East Asia (Thailand, China) and Africa (Nigeria, Liberia, Sierra Leone).

In July, UNICEF published a report on trafficking of children that indicated that "at least 250 children have been trafficked into the UK" since 1998. Because many cases may evade detection, the report concluded "there may well be literally hundreds, if not thousands, of children" who have been trafficked to the UK. The UNICEF report referred to incidents of trafficked children being used for sexual exploitation and forced to work as domestic servants, drug couriers, in sweatshops and restaurants, or as beggars or pickpockets. The establishment of Reflex has led to better coordination arrangements for police investigations into trafficking and also improvements in jointly working on child protection issues. For example, a child protection officer from the Kent Police force has been temporarily assigned to the Joint Immigration Service/Police Debriefing Team based in Dover.

Laborers were trafficked actively by China-based criminal gangs, called "snakeheads" and through deception. In general migrants paid high fees to enter the country; however, those who could not pay were forced into servitude, often in London sweatshops run by the gangs. Some also worked in agriculture. The problem of "gangmasters" exploiting illegal migrant laborers in the agricultural sector received attention in the press, and led to calls for better protection for migrant laborers.

Some female victims were lured into the country by deception. The victims often agreed to pay off the balance by working in the sex industry; however, upon arriving, they were required to perform sexual services that they had not agreed to, their documents were confiscated, they were forced to work a longer time than anticipated, and they were deceived into not seeking help. In addition, there was evidence that a small number of victims were forcibly abducted and brought into the country against their will.

The police suspected that international organized crime was behind much of the trafficking for commercial sexual exploitation but believed freelancers and small-time criminals were also involved. Victims often were subjected to threats against themselves and their families in the country of origin, coercion, and the withholding of travel documents.

The Government recognized the need to offer the victims of trafficking support to help them escape their circumstances and, in certain cases, help law enforcement tackle organized criminal gangs. The Government provided for special arrangements for their protection and considered whether it was appropriate to allow victims to leave or remain in the country. When victims were not entitled to remain, or wished to return to their country of origin, the Government assisted them to do so and provided them with initial counseling. The Government also ensured that victims had suitable accommodation to return to, and helped with enabling them to reintegrate into their own community.

The Government implemented an outreach program that provided professional guidance for immigration officers, police, and others potentially dealing with trafficking and its victims to raise awareness of the difference between people who were trafficked into the country, and those who sought to enter the country illegally of their own will, as well as to help police, immigration officers, and community workers treat trafficking victims appropriately.

The Government assisted victims with a full range of social and health care services and provided temporary residence status. The Home Office has a comprehensive approach for victims of trafficking to protect them and to

assist them in giving evidence against the traffickers who have exploited them. In December, the Government announced additional funding of approximately \$1.25 million (700,000 pounds) to extend a pilot program that supports victims of trafficking for sexual exploitation for an additional year. In conjunction with Social Services, safe accommodation, medical care, and other services were provided to child victims of trafficking. There were standard police procedures to prevent the intimidation and harassment of witnesses.

A number of NGOs assisted in anti-trafficking efforts. The authorities were responsive to NGOs regarding the development of anti-trafficking policy and legislation in the country. NGOs such as Anti-Slavery International and End Child Prostitution, Pornography and Trafficking (ECPAT UK) have published studies and critiques on legislation, policy, and practice in the country, which were widely disseminated. The Government also worked in conjunction with Eaves Housing, a voluntary organization providing specialist support to victims of domestic violence, in the establishment of a pilot project to support victims of trafficking. The Government has also worked closely with various NGOs in the production of an awareness raising 'toolkit' on trafficking in persons. NGOs that dealt specifically with the issue of individuals trafficked or smuggled into the country to perform labor, such as the NGO Kayalaan, continued to operate. The Foreign and Commonwealth Office also conducted campaigns abroad in countries of origin, primarily by disseminating anti-trafficking materials.